

38<sup>53</sup> (New) The block of claim 94 wherein the upper face has a greater area than the lower face.

59<sup>57</sup> (New) The block of claim 94 wherein the side faces each include forwardly converging portions, each forwardly converging portion lying between its associated rearwardly converging portion and the front face.

60<sup>57</sup> (New) The block of claim 94 wherein the converging portions of the side faces join the upper and lower faces, and are free from cores or recesses.

61<sup>57</sup> (New) A retaining wall block comprising a front face, a rear face, upper and lower surfaces, opposed side faces and a locator flange, and wherein:

- (a) the front, rear, and side faces are substantially vertical;
- (b) the upper and lower surfaces are substantially horizontal;
- (c) the side walls converge towards each other from front to back, so that the front face of the block is wider than the rear face;
- (d) the flange extends below the lower surface at the rear of the block; and
- (e) the block is free from cores extending through the block, either from the upper to the lower surface, or from one side to the other.

62<sup>62</sup> (New) The block of claim 98 wherein the front face is substantially planar.

63<sup>62</sup> (New) The block of claim 99 wherein the front face has a roughened texture.

64<sup>62</sup> (New) The block of claim 98 wherein the front face is non-planar.

65<sup>64</sup> (New) The block of claim 101 wherein the front face comprises three facets.

#### REMARKS

In the paper mailed December 3, 1998 the Examiner reiterated a request to restrict examination under 35 U.S.C. § 121. In the restriction requirement, the Examiner asked for election of either Group 1 comprising claims 1-22 drawn to a block/retaining wall, classified in class 405, subclass 284 or Group 2 comprising claims 23-29 drawn to a mold/method of using, classified in class 249, subclass 63. Applicant's had earlier responded to the Examiner via telephone provisionally electing Group 1 comprising claims 1-22, with traverse.

Applicant's note that a Preliminary Amendment was mailed on November 30, 1998 and that this Preliminary Amendment crossed in the mail with the paper mailed by the Examiner on December 3, 1998. In the Preliminary Amendment Applicant's canceled claims 1-29 and have now inserted new claims 30-83. All of claims 30-83 are directed to composite masonry blocks and retaining walls thus falling within the Examiner's original Group 1.

Applicant's request that the Examiner contact Applicant's representative if there is a need for further election or other information.

The Examiner has also posed a rejection of claims 1-22 over the claimed disclosure of U.S. Patent 5,827,015 based upon the judicially created doctrine of non-statutory double-patenting. Applicant's respectfully traverse this rejection while noting that the rejection is moot as claims 1-22 have now been canceled.

Finally, Applicant's enclose an Information Disclosure Statement, including Form 1449's from the parent application.

Favorable reconsideration of all claims pending herein is respectfully requested.


Respectfully requested,

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